

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Stephanie Mleczkowski	Team: Team # 3	CCRB Case #: 201401080	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Friday, 01/31/2014 8:44 PM	Location of Incident: Thomas S. Boyland Street and East New York Avenue	Precinct: 73	18 Mo. SOL 7/31/2015	EO SOL 7/31/2015	
Date/Time CV Reported Tue, 02/04/2014 8:05 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Tue, 02/04/2014 8:05 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Jonathan Taveras	30195	953469	PBBN
2. POM Jorge Sanabria	27752	953362	PBBN

Officer(s)	Allegation	Investigator Recommendation
A.POM Jonathan Taveras	Abuse: PO Jonathan Taveras stopped the car in which § 87(2)(b) was an occupant.	
B.POM Jorge Sanabria	Abuse: PO Jorge Sanabria stopped the car in which § 87(2)(b) was an occupant.	
C.POM Jonathan Taveras	Abuse: PO Jonathan Taveras searched § 87(2)(b)	
D.POM Jorge Sanabria	Abuse: PO Jorge Sanabria searched the car in which § 87(2)(b) was an occupant.	
E.POM Jonathan Taveras	Discourtesy: PO Jonathan Taveras spoke rudely to § 87(2)(b)	

Case Summary

§ 87(2)(b) filed this complaint with the CCRB via the agency's Call Processing System on February 4, 2014 (encl. C1-C4).

On January 31, 2014 at 8:44 p.m., PO Jonathan Taveras and PO Jorge Sanabria, both of Patrol Borough Brooklyn North, stopped § 87(2)(b)'s vehicle in the vicinity of Thomas S. Boyland Street and East New York Avenue in Brooklyn. The following allegations resulted:

- **Allegation A- Abuse of Authority: PO Jonathan Taveras stopped the car in which § 87(2)(b) was an occupant.**
- **Allegation B- Abuse of Authority: PO Jorge Sanabria stopped the car in which § 87(2)(b) was an occupant.**
§ 87(2)(g)
- **Allegation C- Abuse of Authority: PO Jonathan Taveras searched § 87(2)(b)**
§ 87(2)(g)
- **Allegation D- Abuse of Authority: PO Jorge Sanabria searched the vehicle in which § 87(2)(b) was an occupant.**
§ 87(2)(g)
- **Allegation E- Discourtesy: PO Jonathan Taveras spoke rudely to § 87(2)(b)**
§ 87(2)(g)

Mediation was not presented in this case due to § 87(2)(b)'s arrest and because he was injured during this incident.

Results of Investigation

Civilian Statements

Complainant/Victim: § 87(2)(b)

- § 87(2)(b) is a black man who was § 87(2)(b) years old at the time of the incident. He is 6'1" tall and weighs 218 pounds. § 87(2)(b) is bald and has hazel eyes.

CCRB Testimony:

§ 87(2)(b) provided a telephone statement on February 4, 2014 (encl. C1-C4) and was interviewed at the CCRB on February 11, 2014 (encl. C5-C13). His statements were consistent and are summarized below:

On January 31, 2014 at 8:44 p.m., § 87(2)(b) was driving in his burgundy 2001 GMC Denali Suburban, when he was pulled over by a marked RMP in the vicinity of Thomas S. Boyland Street and East New York Avenue in Brooklyn.

An officer, identified via investigation as PO Taveras, approached § 87(2)(b) and solely once requested his proof of insurance and vehicle registration, which § 87(2)(b) did not

immediately furnish because it was in his glove compartment. PO Taveras is a Hispanic man, § 87(2)(b) years old, 5'7"-5'8" tall, with a slender build, had short, curly black hair, dark eyes and was uniformed. § 87(2)(b)'s windows are slightly tinted and the officers did not indicate that he was being stopped because of this. § 87(2)(b) asked PO Taveras the reason for the vehicle stop and PO Taveras then opened § 87(2)(b)'s door, unbuckled his seatbelt and pulled him out of the vehicle by his left hand and bicep. PO Taveras then turned § 87(2)(b)'s body around to face the vehicle and handcuffed him.

PO Taveras asked § 87(2)(b) why he did not furnish his vehicular documentation and § 87(2)(b) responded that he did not give him the opportunity to do so. PO Taveras then searched § 87(2)(b) went through § 87(2)(b) pants and lower side jacket and sweater pockets, in which he solely had his keys. § 87(2)(b) had two hundred and eighty six dollars in his front, left pants pocket and a piece of tissue in his back pants pocket. PO Taveras did not recover any contraband from the search.

An officer, identified via investigation as PO Sanabria, then opened § 87(2)(b)'s right, front passenger door and entered the vehicle. PO Sanabria is a white or Hispanic man, light-skinned, 6' tall, § 87(2)(b) years old, with an average build, had short black hair and was uniformed. PO Sanabria opened the glove compartment and a compartment within the hand rest. PO Sanabria also looked under the vehicle's seats. The search lasted for two or three minutes.

While this occurred, a woman, identified via investigation as § 87(2)(b) was within the vicinity of the officers, held her chest and stated that she needed help. PO Taveras stepped away from § 87(2)(b) while he assisted § 87(2)(b) and PO Sanabria immediately went behind § 87(2)(b) and pushed him against the car. PO Taveras then told PO Sanabria "Let that motherfucker go" and PO Sanabria released § 87(2)(b) from handcuffs and told him to leave the location.

§ 87(2)(b) then entered his vehicle, parked it slightly further up the block and walked towards the 73rd Precinct in order to file a complaint against these officers. Suddenly, PO Taveras ran behind § 87(2)(b) grabbed his hand and asked him where he was going because beforehand PO Taveras had told him to "Go the fuck home." § 87(2)(b) told PO Taveras that he was going to the precinct and PO Taveras informed § 87(2)(b) that he was being arrested because he did not follow PO Taveras' directive to go home. PO Taveras then handcuffed § 87(2)(b) and both officers escorted him into the police van. While he was placed into the vehicle, § 87(2)(b)'s hand was scraped against the van's door and was bleeding.

The officers took § 87(2)(b) to the 73rd Precinct stationhouse, where PO Taveras informed § 87(2)(b) that his vehicle was searched by an officer, whom he did not identify, and a kitchen knife was recovered, which was why he was arrested. § 87(2)(b) noted that the knife was inside of a compartment within the lower portion of the driver's door and was behind papers, not in plain view.

Witness: § 87(2)(b)

- § 87(2)(b) is a black woman who was § 87(2)(b) years old at the time of the incident.

Telephone Statement

§ 87(2)(b) provided a telephone statement to the CCRB on March 31, 2014 (encl. D1), which is summarized below.

At the time of the incident, § 87(2)(b) was inside her vehicle and waiting for an ambulance because she had difficulty breathing. In the interim, § 87(2)(b) observed that § 87(2)(b)'s SUV was pulled over and situated approximately four or five feet behind her vehicle.

§ 87(2)(b) was handcuffed while PO Taveras and PO Sanabria were within the front portion of his vehicle; however § 87(2)(b) could not see what the officers did while therein.

PO Taveras then assisted § 87(2)(b) and told PO Sanabria “Give him back his stuff, let him go,” in regards to § 87(2)(b) because he felt that § 87(2)(b) situation was more important. § 87(2)(b) was released from handcuffs and afterwards, walked over to the officers and asked them in a cocky tone who their supervisor was. Once an ambulance arrived, PO Taveras told § 87(2)(b) “You’re still here? I thought I told you to go” and handcuffed him.

§ 87(2)(b) did not hear either of the officers use any profanity towards § 87(2)(b)

Attempts to Contact Civilians

During her telephone statement, § 87(2)(b) indicated that she would call the undersigned investigator in order to schedule a sworn statement. On March 25, 2014 the undersigned investigator called § 87(2)(b) who stated that she would be unable to provide a sworn statement because of an illness and she then disconnected the telephone call.

NYPD Statements:

Subject Officer: PO JONATHAN TAVERAS

- PO Taveras is a Hispanic man who was § 87(2)(b) years old at the time of the incident. He is 5'9" tall, weighs 155 pounds, with black hair and brown eyes.
- PO Taveras was assigned to Conditions and as the Sergeant's Operator, from 7:30 p.m. on January 31, 2014 to 4:05 a.m. on February 1, 2014, uniformed and partnered with PO Jorge Sanabria.

Complaint Report

The Complaint Report (encl. G23-G27) for § 87(2)(b)'s arrest on January 31, 2014 notes that § 87(2)(b) was arrested for § 87(2)(a) 160.50, § 87(2)(b) by PO Taveras at the intersection of Boyland Street and East New York Avenue in Brooklyn at 8:30 p.m.

The complaint report narrative is as follows: “§ 87(2)(a) 160.50, § 87(2)(b)

§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)”

Memo Book:

PO Taveras made the following entry in his memo book on the date of the incident: “20:38 Car stop on Boyland St & E NY ave. 20:44 One under in regards” (encl. E1-E2).

CCRB Testimony:

PO Taveras was interviewed at the CCRB on March 28, 2014 and provided the following testimony (encl. E3-E5):

On January 31, 2014 at 4:38 p.m., PO Taveras was driving his RMP when he and PO Sanabria stopped § 87(2)(b)'s vehicle at Boyland Street and East New York Avenue because of its illegal window tinting. PO Taveras approached the driver's side of the vehicle while PO Sanabria approached the passenger's side of the vehicle. PO Taveras requested § 87(2)(b)'s Driver's License and vehicle documentation; however § 87(2)(b) raised his voice and responded “Fuck you, I don't have to give you anything.” PO Taveras asked § 87(2)(b) three times for the aforementioned documentation, which § 87(2)(b) refused to furnish.

PO Taveras and PO Sanabria directed § 87(2)(b) to open his front, passenger tinted window; however § 87(2)(b) refused to do so and told PO Sanabria to stop looking within his

vehicle with his flashlight. PO Sanabria then yelled to PO Taveras that he saw a knife in the driver's door compartment. PO Taveras could not see the knife or § 87(2)(b)'s hands because § 87(2)(b)'s window was open only half way and as such, he opened § 87(2)(b)'s door, saw a black handle and an inch and a half of a twelve inch knife in the door panel, which was distinct from the white paperwork behind it. PO Taveras then grabbed § 87(2)(b)'s arm and pulled him out of the vehicle. Because of the hostility that § 87(2)(b) presented to the officers, along with the knife within his vehicle, PO Taveras did not verbally direct § 87(2)(b) to exit the vehicle.

Once outside of the vehicle, PO Taveras told § 87(2)(b) to place his hands on the vehicle and turn around, however § 87(2)(b) again used profanity towards § 87(2)(b) and did comply with that directive. PO Taveras patted § 87(2)(b)'s waist and possibly touched his pockets. PO Taveras could not remember if he searched § 87(2)(b) by placing his hands inside of § 87(2)(b)'s pockets and could not recall if anything was recovered from § 87(2)(b)'s person.

PO Taveras then turned § 87(2)(b) around, placed his hands behind his back and both PO Sanabria and PO Taveras handcuffed him. PO Sanabria then walked § 87(2)(b) to the RMP. PO Taveras did not remember if PO Sanabria opened § 87(2)(b)'s front, passenger door or if PO Sanabria entered § 87(2)(b)'s vehicle.

§ 87(2)(b) then came up to the officers, who was crying and having a heart attack. PO Taveras told PO Sanabria "Let's go," meaning for PO Sanabria to place § 87(2)(b) inside of the patrol vehicle. PO Taveras did not state to PO Sanabria "Let that motherfucker go." PO Taveras helped § 87(2)(b) and during such PO Sanabria released § 87(2)(b) from handcuffs. PO Taveras then observed that § 87(2)(b) walked away from the scene. § 87(2)(b) drove his vehicle up the block, returned to the officers and cursed at them, requesting to speak to their supervisor.

An ambulance then arrived and assisted § 87(2)(b) at which point PO Taveras again handcuffed § 87(2)(b). PO Taveras informed § 87(2)(b) that he had the opportunity to leave the scene, however he did not. PO Taveras did not state to § 87(2)(b) that he had told him to "Go the fuck home." The officers escorted § 87(2)(b) into the RMP and then brought him to the 73rd Precinct stationhouse. PO Taveras did not observe that § 87(2)(b)'s hand was bleeding and § 87(2)(b) did not complain of any injuries.

Subject Officer: PO JORGE SANABRIA

- *PO Sanabria is a Hispanic man who was § 87(2)(b) years old at the time of the incident. He is 5'10" tall, weighs 190 pounds, with black hair and brown eyes.*
- *PO Sanabria worked the same tour and assignment as PO Taveras.*

Memo Book:

PO Taveras documented the following memo book entry on the date of the incident (encl. F1-F3):

"20:35: Assisted in car stop w/PO Taveras N/B Thomas Boyland I/O East New York- 1 under- PO Taveras A/O. Under time 2044 due to knife in plain view"

CCRB Testimony:

PO Sanabria was interviewed at the CCRB on April 24, 2014 and provided the following testimony, which was consistent with that of PO Taveras with exceptions noted (encl. F4-F6).

While § 87(2)(b) sat in his vehicle, § 87(2)(b) cursed at PO Taveras saying something along the lines of "How dare you?" and "I know people at the CCRB, I'm gonna get you guys." § 87(2)(b) did not keep his hands on the steering wheel of the vehicle, which the

officers directed him to do. During their conversation, PO Sanabria observed a knife handle and approximately an inch of the knife protruding from the door panel of the driver's door, near § 87(2)(b)'s hand and leg, which PO Sanabria verbally informed PO Taveras of.

PO Taveras ordered § 87(2)(b) to exit the vehicle -which § 87(2)(b) did- and grabbed § 87(2)(b)'s arm, however he did not do so in a forceful manner. PO Taveras immediately handcuffed § 87(2)(b) once he was out of the car and PO Sanabria did not see PO Taveras search him. PO Sanabria opened the front, right passenger door and looked inside of the vehicle to see if there were any additional weapons inside. He did not open a glove compartment, but he did look under the front passenger seat and did not find any weapons.

While PO Taveras assisted § 87(2)(b) PO Taveras yelled to PO Sanabria "Let him go, we have to help her." PO Taveras did not state "Let that motherfucker go." PO Sanabria then released § 87(2)(b) from handcuffs and assisted PO Taveras by waving down an ambulance. § 87(2)(b) then walked up to PO Taveras and cursed at him as PO Taveras tried to assist § 87(2)(b) who was subsequently removed by FDNY EMTs.

PO Taveras then handcuffed § 87(2)(b) placed him inside of their RMP and drove § 87(2)(b) to the 73rd Precinct stationhouse. PO Sanabria did not hear PO Taveras ask § 87(2)(b) where he was going because he had told him to "Go the fuck home." PO Taveras did not physically resist being handcuffed and PO Sanabria did not see § 87(2)(b)'s hand or arm scrape against the RMP's door. § 87(2)(b) did not complain of any pain and PO Sanabria did not observe any injuries to § 87(2)(b).

NYPD Documents

Command Log Entry

The Command Log entry (encl. G28) for § 87(2)(b)'s arrest on January 31, 2014 notes that § 87(2)(b) was arrested for § 87(2)(a) 160.50 by PO Taveras at the intersection of Boyland Street and East New York Avenue in Brooklyn at 8:30 p.m. It notes that force was not used in his apprehension.

73rd Precinct, Tour 3 Roll Call

The 73rd Precinct Roll Call from January 31st, 2014 documents that PO Taveras was assigned to Conditions and PO Sanabria was assigned as the Conditions Sergeant's Operator (encl. G1-G14).

NYPD Event Numbered D14013121102

The aforementioned event was generated due to the 911 call that § 87(2)(b) made on January 31, 2014 at 8:15 p.m. in the vicinity of East New York Avenue and Park Place (encl. G15-G20). The call documents that EMTs of Kings County Hospital Center arrived at the location because she had difficulty breathing.

Property Voucher

It is documented that as a result of this incident, PO Taveras vouchered a stainless steel knife with a seven and one half inch blade. § 87(2)(a) 160.50, § 87(2)(b)

§ 87(2)(b).
§ 87(2)(b).

Arrest for Incident and Disposition

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
Further, § 87(2)(b) noted that all charges that were brought

against him as a result of this incident were dropped, which he learned after he arrived in Brooklyn Central Booking on the date of the incident.

Status of Civil Proceedings

- § 87(2)(b) filed a notice of claim with the City of New York on § 87(2)(b), claiming false arrest, violation of civil rights and negligence of NYPD officers (encl. G43-G47). He sought ten million dollars as redress and his 50-h hearing is in the process of being scheduled.

Civilian Criminal History

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian CCRB History

- § 87(2)(b) filed the following CCRB complaint:

- § 87(2)(b)

Subject Officers CCRB History

- PO Taveras has been a member of the service for one year and there are no substantiated CCRB allegations against him (encl. B1).
- PO Sanabria has been a member of the service for one year and this is the first CCRB complaint filed against him (encl. B2).

Conclusion

Identification of Subject Officers

PO Taveras and PO Sanabria admitted to interacting with § 87(2)(b)

Allegations Not Pled

§ 87(2)(b) alleged that PO Taveras pulled him out of the vehicle by his left hand and arm and then frisked him. § 87(2)(g)

§ 87(2)(b) also alleged that while he was escorted into the RMP by PO Taveras and PO Sanabria, his left hand was scraped and cut against the vehicle door § 87(2)(g)

Investigative Findings and Recommendations

Allegation A- Abuse of Authority: PO Jonathan Taveras stopped the car in which

§ 87(2)(b) **was an occupant.**

Allegation B- Abuse of Authority: PO Jorge Sanabria stopped the car in which § 87(2)(b)

was an occupant.

It is undisputed that PO Taveras and PO Sanabria stopped the vehicle in which § 87(2)(b) was a passenger because of his illegal vehicular window tinting.

Vehicle and Traffic Law § 375 (12-a) (encl. A1-A2) states that no person shall operate any motor vehicle upon any public street with the side windows on either side adjacent to the driver's seat comprising of a light transmittance of less than seventy percent.

§ 87(2)(g)

Allegation C- Abuse of Authority: PO Jonathan Taveras searched § 87(2)(b)

§ 87(2)(b) stated that PO Taveras searched him, placing his hands inside of his pants and lower side jacket and sweater pockets. § 87(2)(b) stated that PO Taveras did not search § 87(2)(b). PO Taveras stated that while § 87(2)(b) was handcuffed, he patted § 87(2)(b)'s waist and possibly touched his pockets, however he could not recall if he placed his hands within § 87(2)(b)'s pockets. PO Sanabria did not see PO Taveras search § 87(2)(b).

Although PO Taveras could not recall if he searched § 87(2)(b) he did admit to frisking him. § 87(2)(g)

Allegation D- Abuse of Authority: PO Jorge Sanabria searched the vehicle in which § 87(2)(b) was an occupant.

It is undisputed that a knife with a seven and one half inch blade was within the compartment on § 87(2)(b)'s driver's door, which § 87(2)(b) admitted and is corroborated by police documentation.

§ 87(2)(b) alleged that PO Sanabria opened the front passenger door, entered his vehicle and opened the glove compartment and a compartment within the hand rest. § 87(2)(b) also alleged that PO Sanabria looked under the front, vehicular seats. § 87(2)(b) stated that PO Taveras and PO Sanabria entered the front portion of § 87(2)(b)'s vehicle; however she could not see what they did while therein.

PO Taveras and PO Sanabria testified that while PO Taveras spoke with § 87(2)(b) through the tinted, front passenger window PO Sanabria observed a knife within the compartment of § 87(2)(b)'s driver door and he informed PO Taveras of this observation. PO Taveras and PO Sanabria additionally testified that PO Taveras handcuffed § 87(2)(b) as a result of this observation, and that PO Sanabria subsequently released § 87(2)(b) from handcuffs while he helped § 87(2)(b) who was having a heart attack. PO Taveras could not remember if he saw PO Sanabria enter § 87(2)(b)'s vehicle. PO Sanabria stated that he opened the front passenger door and solely looked under the front passenger seat in order to see if there were any additional weapons within the vehicle.

In order for officers to perform a vehicle search that includes opening closed containers, they must have probable cause to believe that the vehicle contained a weapon, contraband, or evidence of a crime. People v. Smith, 98A.D.3d 590 (2nd Dept. 2012) (encl. A6-A7).

§ 87(2)(g)

§ 87(2)(g)
[Redacted]
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§ 87(2)(g)
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Allegation E- Discourtesy: PO Jonathan Taveras spoke rudely to § 87(2)(b)
§ 87(2)(b) alleged that PO Taveras told PO Sanabria “Let that motherfucker go.” § 87(2)(b)
§ 87(2)(b) also alleged that PO Taveras had told him to “Go the fuck home.” § 87(2)(b) who was a witness to some of the interaction between § 87(2)(b) and the officers, stated that PO Taveras did not use profanity towards § 87(2)(b). PO Taveras denied using any profanity towards § 87(2)(b). PO Sanabria stated that PO Taveras did not make the latter statement, however he did not hear if PO Taveras made the former statement.

§ 87(2)(g)
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[Redacted]

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date